

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

Andrew Yang, Jonathan Herzog, Hellen Suh, Brian Vogel, Shlomo Small, Alison Hwang, Kristen Medeiros and Dr. Roger Green, individually and on behalf of all others similarly situated,

Plaintiffs,

v.

Douglas A. Kellner, Co-Chair and Commissioner, Andrew Spano, Commissioner, Peter S. Kosinski, Co-Chair and Commissioner, Todd D. Valentine, Co-Executive Director and Robert A. Brehm, Co-Executive Director, individually and in their official capacities at the New York State Board of Elections, and the New York State Board of Elections

Defendants.

**ECF CASE**

CIVIL ACTION: 20-cv-3325

**AFFIDAVIT OF SERVICE**

Jeffrey M. Kurzon, an attorney admitted in the State of New York and to this Court, affirms under the penalty of perjury, as follows:

1. We are attorneys for Plaintiffs in this action.
2. On May 1, 2020 just before noon we filed ECF Dkt. No. 16 and accompanying exhibits 1-12 (Exhibits A-L) (the “Second Amended Complaint”), which contained an event type error.
3. To correct the event type error and the filing deficiency, Plaintiffs added the words “Second Amended” before the word “Complaint” in the Second Amended Complaint (just below the Dr. Benjamin Franklin Quote on page 1) to fix the error and refiled the same as ECF Dkt. 20 (the “Corrected Second Amended Complaint”) pursuant to Judge

Torres' Order (ECF Dkt. 19). No other changes were made to the Second Amended Complaint.

4. The persons we served the Corrected Second Amended Complaint at 17:29 by reliable electronic mail were the above captioned persons at their official addresses found through a search online, believed to be reliable and accurate. The addresses we used were:  
"Kellner, Douglas (ELECTIONS)" <douglas.kellner@elections.ny.gov>,  
andrew.spano@elections.ny.gov, robert.brehm@elections.ny.gov,  
todd.valentine@elections.ny.gov, peter.kosinski@elections.ny.gov and  
INFO@elections.ny.gov.
5. We also copied Counselors Arthur Schwartz and Remy Green who have appeared in this action as counsel to Intervenors (on record via ECF), Counselors Brian Quail and Kimberly Galvin, believed to represent the NYS BOE, and Counselor Matthew Conrad of the New York State Attorney General's Office, as Commissioner Kellner at his private law firm address of dak@khgflaw.com since he appeared in this Court with that address.
6. In our cover email, we advised Defendants to immediately obtain counsel if they have not already. As well as the Corrected Second Amended Complaint, we sent the above persons the Complaint (ECF Dkt. 1), the Attorney Affidavit pursuant to Federal Rule of Civil Procedure 65(b) (ECF Dkt. No. 1-9), the Proposed Order (ECF Dkt. No. 1-11) and the First Amended Complaint (ECF Dkt. No. 18, correcting the filing error of ECF Dkt. No. 7). We also added the text of Judge Torres' Order concerning the corrected filing (ECF Dkt No. 19).
7. Additionally, we sent all persons referenced above a second email at 18:07 May 1, 2020 sending them the Memorandum of Law by Kurzon Kohen LLP (FIRST BRIEF, ECF

Dkt. 15) together with Exhibit A (Professor Pascale Letter) filed April 30 and Judge Torres' Order of April 29 concerning the hearing by telephone on Monday, May 4, 2020 (text below of ECF Dkt No. 5 pasted as below):

ORDER granting 4 Letter Motion for Oral Argument. It is ORDERED that the Court's scheduling order, ECF No. 3, is AMENDED as follows: 1. Plaintiffs shall file a memorandum of law in support of their application seeking emergency relief by April 30, 2020; 2. Defendant shall file a response by May 1, 2020; and 3. The parties shall appear for a telephonic hearing on Plaintiffs' application on May 4, 2020, at 2:00 p.m. The parties are directed to call either (888) 398-2342 or (215) 861-0674, and enter access code 5598827. The parties shall email their appearance information to [Torres\\_NYSDChambers@nysd.uscomts.gov](mailto:Torres_NYSDChambers@nysd.uscomts.gov) by May 4, 2020, at 9:00 a.m. (Signed by Judge Analisa Torres on 4/29/2020) (cf) (Entered: 04/29/2020).

8. By serving the above in the foregoing manner, we submit that we have complied with Judge Torres' Order on May 1, 2020 (*Id.*).

Dated: May 1, 2020

Respectfully submitted,

By: /s/ Jeffrey M. Kurzon  
Jeffrey Mead Kurzon, Esq.  
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